



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 29, 1994

Ms. Alesia L. Sanchez
Legal Assistant
Legal and Compliance, MC 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR94-834

Dear Ms. Sanchez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27599.

The Texas Department of Insurance (the "department") received a request for "all information and documents evidencing Capform, Inc.'s Experience Modifier Rate for the years 1990, 1991, 1992, and 1993 and all Unit Statistical Reports and/or Stat Cards kept or compiled on Capform, Inc. for the years 1990, 1991, 1992 and 1993." You inform us that the department will release some of the requested information. However, the department asserts that the social security numbers of the claimants on Capform's unit statistical reports ("stat cards") are excepted from required public disclosure based on section 552.101 of the Government Code.¹

Section 552.101 excepts from required public disclosure information that is confidential by law, including statutory law. Article 5.58(d) of the Insurance Code states as follows:

¹Although you stated that representative samples of the requested information would be forthcoming, we have not received said samples.

Information Confidential. A person may not distribute or otherwise disclose a social security number or any other information collected under Subsection (c) of this article which would disclose the identity of any claimant.

Subsection (c) prescribes the contents of stat cards. Among other things, stat cards must include the social security number of the claimant. Ins. Code art. 5.58(c)(3). We believe that article 5.58(d) of the Insurance Code makes the claimants' social security numbers on the stat cards confidential. Accordingly, the Open Records Act prohibits their disclosure. Gov't Code § 552.101.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo". The signature is fluid and cursive, with the first name "Kay" and last name "Guajardo" clearly distinguishable.

Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 27599

cc: Mr. Clay Miller
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